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SEP 18 2006

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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE STATE OF ALASKA
9 AT ANCHORAGE

10 SALLY C. PURSER,)
11 Plaintiff,) DEFENDANT JOSEF BOEHM'S RESPONSE
12 v.) TO PLAINTIFF'S FIRST SET OF
13 JOSEF F. BOEHM, ALLEN K.) DISCOVERY
14 BOLLING and BAMBI TYREE)
15 Defendants.)
16) CASE NO.: 3:05-CV-0085-JKS

17 GENERAL STATEMENT

18 Responding Party has not fully completed his investigation of
19 the facts relating to this case, has not fully completed his
20 discovery in this action, and has not completed his preparation for
21 trial. All of the Responses contained herein are based upon only
22 such information and documents as are presently available to and
23 specifically known to this Responding Party, and discloses only
24 those contentions which presently occur to such Responding Party.
25 It is anticipated that further discovery, independent
26 investigation, legal research and analysis will supply additional
27 facts, adding meaning to known facts, as well as establish entirely
28 new factual conclusions and legal contentions, all of which may

1 lead to substantial additions to, changes in, and variations from
2 the contentions set forth herein. The following Responses are
3 given without prejudice to Responding Party's right to produce
4 evidence of any subsequently discovered fact or facts, documents or
5 tangible things, which this Responding Party may later recall or
6 discover. Responding Party accordingly reserves the right to
7 change any and all Responses herein as additional facts are
8 ascertained, analyses are made, legal research is completed, and
9 contentions are made. The Responses contained herein are made in a
10 good faith effort to supply as much factual information, documents,
11 tangible things, and as much specification of legal contentions as
12 is presently known, and should in no way be to the prejudice of
13 Responding Party in relation to further discovery, research or
14 analysis.

15 **RESPONSE TO INTERROGATORIES**

16 **RESPONSE TO INTERROGATORY NUMBER 1:**

17 Objection, irrelevant and not reasonably calculated to lead to
18 the discovery of admissible evidence. Objection, overly broad.
19 Objection, invasion of privacy. Objection, burdensome. Objection,
20 requests confidential proprietary business information. Objection,
21 Defendant's ability to pay is not a determining factor in which to
22 prove liability or damages. Plaintiff's request is not relevant to
23 determine Defendant's liability nor is it relevant to prove
24 Plaintiff's damages.

25 **RESPONSE TO INTERROGATORY NUMBER 2:**

26 Objection, irrelevant and not reasonably calculated to lead to
27 the discovery of admissible evidence. Objection, overly broad.
28 Objection, invasion of privacy. Objection, burdensome. Objection,
requests confidential proprietary business information. Objection,

1 Defendant's ability to pay is not a determining factor in which to
2 prove liability or damages. Plaintiff's request is not relevant to
3 determine Defendant's liability nor is it relevant to prove
4 Plaintiff's damages.

5

6 **RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

7 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 1:**

8 Objection, irrelevant and not reasonably calculated to lead to
9 the discovery of admissible evidence. Objection, overly broad.
10 Objection, invasion of privacy. Objection, burdensome. Objection,
11 requests confidential proprietary business information. Objection,
12 Defendant's ability to pay is not a determining factor in which to
13 prove liability or damages. Plaintiff's request is not relevant to
14 determine Defendant's liability nor is it relevant to prove
15 Plaintiff's damages.

16

17 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 2:**

18 Objection, irrelevant and not reasonably calculated to lead to
19 the discovery of admissible evidence. Objection, overly broad.
20 Objection, invasion of privacy. Objection, burdensome. Objection,
21 requests confidential proprietary business information. Objection,
22 Defendant's ability to pay is not a determining factor in which to
23 prove liability or damages. Plaintiff's request is not relevant to
24 determine Defendant's liability nor is it relevant to prove
25 Plaintiff's damages.

26

27 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 3:**

28 Objection, irrelevant and not reasonably calculated to lead to
the discovery of admissible evidence. Objection, overly broad.

1 Objection, invasion of privacy. Objection, burdensome. Objection,
2 requests confidential proprietary business information. Objection,
3 Defendant's ability to pay is not a determining factor in which to
4 prove liability or damages. Plaintiff's request is not relevant to
5 determine Defendant's liability nor is it relevant to prove
6 Plaintiff's damages.

7

8 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 4:**

9 Objection, irrelevant and not reasonably calculated to lead to
10 the discovery of admissible evidence. Objection, overly broad.
11 Objection, invasion of privacy. Objection, burdensome. Objection,
12 requests confidential proprietary business information. Objection,
13 Defendant's ability to pay is not a determining factor in which to
14 prove liability or damages. Plaintiff's request is not relevant to
15 determine Defendant's liability nor is it relevant to prove
16 Plaintiff's damages.

17

18

19 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 5:**

20 Objection, irrelevant and not reasonably calculated to lead to
21 the discovery of admissible evidence. Objection, overly broad.
22 Objection, invasion of privacy. Objection, burdensome. Objection,
23 requests confidential proprietary business information. Objection,
24 Defendant's ability to pay is not a determining factor in which to
25 prove liability or damages. Plaintiff's request is not relevant to
26 determine Defendant's liability nor is it relevant to prove
27 Plaintiff's damages.

28

RESPONSE TO REQUEST FOR PRODUCTION NUMBER 6:

1 Objection, irrelevant and not reasonably calculated to lead to
2 the discovery of admissible evidence. Objection, overly broad.
3 Objection, invasion of privacy. Objection, burdensome. Objection,
4 requests confidential proprietary business information. Objection,
5 Defendant's ability to pay is not a determining factor in which to
6 prove liability or damages. Plaintiff's request is not relevant to
7 determine Defendant's liability nor is it relevant to prove
8 Plaintiff's damages.

9

10 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 7:**

11 Objection, irrelevant and not reasonably calculated to lead to
12 the discovery of admissible evidence. Objection, overly broad.
13 Objection, invasion of privacy. Objection, burdensome. Objection,
14 requests confidential proprietary business information. Objection,
15 Defendant's ability to pay is not a determining factor in which to
16 prove liability or damages. Plaintiff's request is not relevant to
17 determine Defendant's liability nor is it relevant to prove
18 Plaintiff's damages.

19

20 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 8:**

21 Objection, irrelevant and not reasonably calculated to lead to
22 the discovery of admissible evidence. Objection, overly broad.
23 Objection, invasion of privacy. Objection, burdensome. Objection,
24 requests confidential proprietary business information. Objection,
25 Defendant's ability to pay is not a determining factor in which to
26 prove liability or damages. Plaintiff's request is not relevant to
27 determine Defendant's liability nor is it relevant to prove
28 Plaintiff's damages.

1 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 9:**

2 Objection, irrelevant and not reasonably calculated to lead to
3 the discovery of admissible evidence. Objection, overly broad.
4 Objection, invasion of privacy. Objection, burdensome. Objection,
5 requests confidential proprietary business information. Objection,
6 Defendant's ability to pay is not a determining factor in which to
7 prove liability or damages. Plaintiff's request is not relevant to
8 determine Defendant's liability nor is it relevant to prove
9 Plaintiff's damages.

10 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 10:**

11 Objection, irrelevant and not reasonably calculated to lead to
12 the discovery of admissible evidence. Objection, overly broad.
13 Objection, invasion of privacy. Objection, burdensome. Objection,
14 requests confidential proprietary business information. Objection,
15 Defendant's ability to pay is not a determining factor in which to
16 prove liability or damages. Plaintiff's request is not relevant to
17 determine Defendant's liability nor is it relevant to prove
18 Plaintiff's damages.

19 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 11:**

20 Objection, irrelevant and not reasonably calculated to lead to
21 the discovery of admissible evidence. Objection, overly broad.
22 Objection, invasion of privacy. Objection, burdensome. Objection,
23 requests confidential proprietary business information. Objection,
24 Defendant's ability to pay is not a determining factor in which to
25 prove liability or damages. Plaintiff's request is not relevant to
26 determine Defendant's liability nor is it relevant to prove
27 Plaintiff's damages.

1 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 12:**

2 Objection, irrelevant and not reasonably calculated to lead to
3 the discovery of admissible evidence. Objection, overly broad.
4 Objection, invasion of privacy. Objection, burdensome. Objection,
5 requests confidential proprietary business information. Objection,
6 Defendant's ability to pay is not a determining factor in which to
7 prove liability or damages. Plaintiff's request is not relevant to
8 determine Defendant's liability nor is it relevant to prove
9 Plaintiff's damages.

10

11 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 13:**

12 Objection, irrelevant and not reasonably calculated to lead to
13 the discovery of admissible evidence. Objection, overly broad.
14 Objection, invasion of privacy. Objection, burdensome. Objection,
15 requests confidential proprietary business information. Objection,
16 Defendant's ability to pay is not a determining factor in which to
17 prove liability or damages. Plaintiff's request is not relevant to
18 determine Defendant's liability nor is it relevant to prove
19 Plaintiff's damages.

20

21 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 14:**

22 Objection, irrelevant and not reasonably calculated to lead to
23 the discovery of admissible evidence. Objection, overly broad.
24 Objection, invasion of privacy. Objection, burdensome. Objection,
25 requests confidential proprietary business information. Objection,
26 Defendant's ability to pay is not a determining factor in which to
27 prove liability or damages. Plaintiff's request is not relevant to
28 determine Defendant's liability nor is it relevant to prove
Plaintiff's damages.

1 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 15:**

2 Objection, irrelevant and not reasonably calculated to lead to
3 the discovery of admissible evidence. Objection, overly broad.
4 Objection, invasion of privacy. Objection, burdensome. Objection,
5 requests confidential proprietary business information. Objection,
6 Defendant's ability to pay is not a determining factor in which to
7 prove liability or damages. Plaintiff's request is not relevant to
8 determine Defendant's liability nor is it relevant to prove
9 Plaintiff's damages.

10

11 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 16:**

12 Objection, irrelevant and not reasonably calculated to lead to
13 the discovery of admissible evidence. Objection, overly broad.
14 Objection, invasion of privacy. Objection, burdensome. Objection,
15 requests confidential proprietary business information. Objection,
16 Defendant's ability to pay is not a determining factor in which to
17 prove liability or damages. Plaintiff's request is not relevant to
18 determine Defendant's liability nor is it relevant to prove
19 Plaintiff's damages.

20

21 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 17:**

22 Objection, irrelevant and not reasonably calculated to lead to
23 the discovery of admissible evidence. Objection, overly broad.
24 Objection, invasion of privacy. Objection, burdensome. Objection,
25 requests confidential proprietary business information. Objection,
26 Defendant's ability to pay is not a determining factor in which to
27 prove liability or damages. Plaintiff's request is not relevant to
28 determine Defendant's liability nor is it relevant to prove
Plaintiff's damages.

1 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 18:**

2 Objection, irrelevant and not reasonably calculated to lead to
3 the discovery of admissible evidence. Objection, overly broad.
4 Objection, invasion of privacy. Objection, burdensome. Objection,
5 requests confidential proprietary business information. Objection,
6 Defendant's ability to pay is not a determining factor in which to
7 prove liability or damages. Plaintiff's request is not relevant to
8 determine Defendant's liability nor is it relevant to prove
9 Plaintiff's damages.

10

11 **RESPONSE TO REQUEST FOR PRODUCTION NUMBER 19:**

12 Objection, irrelevant and not reasonably calculated to lead to
13 the discovery of admissible evidence. Objection, overly broad.
14 Objection, invasion of privacy. Objection, burdensome. Objection,
15 requests confidential proprietary business information. Objection,
16 Defendant's ability to pay is not a determining factor in which to
17 prove liability or damages. Plaintiff's request is not relevant to
18 determine Defendant's liability nor is it relevant to prove
19 Plaintiff's damages.

20

21 **RESPONSE TO REQUEST FOR ADMISSIONS**

22 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 1:**

23 Objection, irrelevant and not reasonably calculated to lead to
24 the discovery of admissible evidence. Objection, overly broad.
25 Objection, invasion of privacy. Objection, burdensome. Objection,
26 requests confidential proprietary business information. Objection,
27 Defendant's ability to pay is not a determining factor in which to
28 prove liability or damages. Plaintiff's request is not relevant to
 determine Defendant's liability nor is it relevant to prove

1 Plaintiff's damages.

2

3 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 2:**

4 Objection, irrelevant and not reasonably calculated to lead to
5 the discovery of admissible evidence. Objection, overly broad.
6 Objection, invasion of privacy. Objection, burdensome. Objection,
7 requests confidential proprietary business information. Objection,
8 Defendant's ability to pay is not a determining factor in which to
9 prove liability or damages. Plaintiff's request is not relevant to
10 determine Defendant's liability nor is it relevant to prove
11 Plaintiff's damages.

12

13 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 3:**

14 Objection, irrelevant and not reasonably calculated to lead to
15 the discovery of admissible evidence. Objection, overly broad.
16 Objection, invasion of privacy. Objection, burdensome. Objection,
17 requests confidential proprietary business information. Objection,
18 Defendant's ability to pay is not a determining factor in which to
19 prove liability or damages. Plaintiff's request is not relevant to
20 determine Defendant's liability nor is it relevant to prove
21 Plaintiff's damages.

22

23 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 4:**

24 Objection, irrelevant and not reasonably calculated to lead to
25 the discovery of admissible evidence. Objection, overly broad.
26 Objection, invasion of privacy. Objection, burdensome. Objection,
27 requests confidential proprietary business information. Objection,
28 not a proper request as the subject matter of this request is a
public record. Objection, Plaintiff's request is not relevant to

1 determine Defendant's liability nor is it relevant to prove
2 Plaintiff's damages.

3
4 Without waiving the aforementioned objections, Responding
5 party responds as follows:

6 I admit to entering into a plea agreement that made no
7 specific reference to Sally Purser. The plea agreement does not
8 contain language setting forth the elements required to be
9 established to prove liability as it relates to plaintiff's causes
10 of action. The validity of the plea agreement is currently subject
11 to dispute.

12

13 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 5:**

14 Objection, irrelevant and not reasonably calculated to lead to
15 the discovery of admissible evidence. Objection, overly broad.
16 Objection, invasion of privacy. Objection, burdensome. Objection,
17 requests confidential proprietary business information. Objection,
18 Defendant's ability to pay is not a determining factor in which to
19 prove liability or damages. Plaintiff's request is not relevant to
20 determine Defendant's liability nor is it relevant to prove
21 Plaintiff's damages.

22

23 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 6:**

24 Objection, irrelevant and not reasonably calculated to lead to
25 the discovery of admissible evidence. Objection, overly broad.
26 Objection, invasion of privacy. Objection, burdensome. Objection,
27 requests confidential proprietary business information. Objection,
28 Defendant's ability to pay is not a determining factor in which to
prove liability or damages. Plaintiff's request is not relevant to

1 determine Defendant's liability nor is it relevant to prove
2 Plaintiff's damages.

3

4 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 7:**

5 Objection, irrelevant and not reasonably calculated to lead to
6 the discovery of admissible evidence. Objection, overly broad.
7 Objection, invasion of privacy. Objection, burdensome. Objection,
8 requests confidential proprietary business information. Objection,
9 Defendant's ability to pay is not a determining factor in which to
10 prove liability or damages. Plaintiff's request is not relevant to
11 determine Defendant's liability nor is it relevant to prove
12 Plaintiff's damages.

13

14 **RESPONSE TO REQUEST FOR ADMISSION NUMBER 8:**

15 Objection, irrelevant and not reasonably calculated to lead to
16 the discovery of admissible evidence. Objection, overly broad.
17 Objection, invasion of privacy. Objection, burdensome. Objection,
18 requests confidential proprietary business information. Objection,
19 Defendant's ability to pay is not a determining factor in which to
20 prove liability or damages. Plaintiff's request is not relevant to
21 determine Defendant's liability nor is it relevant to prove
22 Plaintiff's damages.

23

24 September 12, 2006

KENNER LAW FIRM, A.P.C.

25

By:


Brett A. Greenfield
Attorney for Josef Boehm

26

27

28

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that on this 13th day of September, 2006. I
3 caused a true and correct copy of the foregoing RESPONSE TO
4 PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS to be delivered to the
5 following via United States Certified Mail:

6 CARMEN E. CLARK, ESQ.
7 INGALDSON, MAASEN & FITZGERALD, P.C.
8 813 W. 3rd AVENUE
ANCHORAGE, AK 99501-2001

9
10 Bambi Tyree
Inmate No: 13016-006
FCI Dublin
11 5701 8th Street-Camp Parks
Dublin, CA 94568
12 C.M. No.: 7002 2410 0006 6742 2539

13 Allen K. Bolling
Inmate No: 14911-006
14 USP Terre Haute
U.S. Penitentiary
15 P.O. Box 12015
Terre Haute, IN 47801
16 C.M. 7002 2410 0006 6742 2188

17
18 Darryl L. Jones
109 W. 6th Ave., ste. 200
Anchorage, Alaska 99501
19

20 Date: September 13, 2006
21

Rosie Ruiz
Rosie Ruiz

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